

REMARKS

Claims 1-36 are pending in this application. Reconsideration and allowance of this application are respectfully requested.

Allowable Subject Matter

Applicants appreciate the indication of allowable subject matter in claims 4, 6, 9-10, 15, 17, 20, 21, 24, 26, 28, 30, 33, 34 and 36. However, Applicants submit that claims 1-3, 5, 7, 8, 11-14, 16, 18, 19, 22, 23, 25, 27, 29, 31, 32 and 35 are also allowable in view of the following remarks.

Claims Rejections – 35 U.S.C. §103

Claims 1-3, 5, 7, 8, 11-14, 16, 18, 19, 22, 23, 25, 27, 29, 31, 32 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brody et al., U.S. Patent No. 4,670,899 (“Brody”) in view of Leung et al., EP-0701382 (“Leung”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention includes, *inter alia*, calculating “balancing metric” values for first and second layers of a wireless network based on operating characteristics and adjusting a transmission characteristic threshold based on the respective values of the first and second layers.

The Examiner admits in the Office Action that “Brody fails to specifically disclose adjusting said transmission characteristic threshold in response to the value of said first balancing metric relative to said second balancing metric”. However, the Examiner attempts to overcome the admitted deficiency of Brody by arguing that Leung discloses the adjustment of a transmission characteristic based on respective values of first and second layers. Applicants respectfully disagree.

Leung appears to disclose that each mobile unit 108, 110 in a cellular communications system 100 accumulates at least one mobility or communication traffic (teletraffic) statistic. A mobile unit then processes or corrects the statistic and transmits aggregated statistics to a micro cell 102 or micro cell 104

basestation 106 or 112 at the time of an origination of a call to, or from, the mobile. In more detail, when a mobile unit places a new call (a statistics transfer event), the current value of the mobility index a_i is forwarded to either a microcell basestation or a macrocell basestation in the call setup request (column 12, lines 4-9).

In contrast, the present invention calculates “a first balancing metric” and a “second balancing metric”, and then adjusts a transmission characteristic threshold based on the respective values of the first and second balancing metrics. In other words, Leung discloses calculating a single balancing value and then forwarding the value to either a microcell basestation or a macrocell basestation, rather than calculating a first and second balancing metric and adjusting a threshold accordingly.

Because the combination of Brody and Leung fail to disclose or suggest the subject matter of the claims, the rejections under 35 U.S.C. §103 are improper. Withdrawal of the rejections is kindly requested.

Similarly, independent claims 12 and 23 are allowable for the reasons discussed above. Claims 2, 3, 5, 7, 8, 11, 13, 14, 16, 18, 19, 22, 25, 27, 29, 31, 32 and 35 are allowable by virtue of their dependency on either independent claims 1, 12 or 23, and for other patentable features recited therein. Withdrawal of the rejections is kindly requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

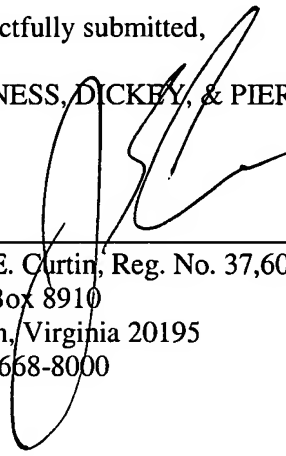
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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